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Vol. XXVII] Trivandrum, Sunday, 22nd August 1982 / 31st Sravana 1904 [No. 586

SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 7127/LA4A/82. *Dated, Trivandrum, 22nd August* 1982.

The Kerala Payment of Pension to Members of Legislature (Amendment) Bill, 1982 together with the Statement of Objects and Reasons, the Financial Memorandum and the Memorandum regarding Delegated Legislation is published, under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

DR. R. PRASANNAN,
Secretary,
Legislative Assembly.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1982.

33/3143/MC

Seventh Kerala Legislative Assembly

Bill No. 5

THE KERALA PAYMENT OF PENSION TO MEMBERS OF LEGISLATURE (AMENDMENT) BILL, 1982

A

BILL

to amend the Kerala Payment of Pension to Members of Legislature Act 1976.

Preamble.—WHEREAS it is expedient to amend the Kerala Payment of Pension to Members of Legislature Act, 1976, for the purposes hereinafter appearing;

BE it enacted in the Thirty-third Year of the Republic of India as follows:–

1. *Short title and commencement.*—(1) This Act may be called the Kerala Payment of Pension to Members of Legislature (Amendment) Act, 1982.

(2) It shall come into force at once.

2. *Amendment of section* 2.—In section 2 of the Kerala Payment of Pension to Members of Legislature Act, 1976 (46 of 1976) (hereinafter referred to as the principal Act).—

(a) in sub-section (1),—

(i) for the opening paragraph, the following shall be substituted, namely:–

"There shall be paid a pension of two hundred rupees per mensem for every person who has served for a period of two years in the aggregate as——";

(ii) in the proviso,—

(A) for the word "five" in both the places, where it occurs, the word "two" shall be substituted;

(B) for the words "four hundred and fifty rupees", the words "five hundred rupees" shall be substituted;

(b) after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) Where a member dies, his or her spouse shall, if such member would have been entitled to pension under sub-section (1) if he or she had ceased to be a member on the date of his or her death, be entitled to the same amount of pension as such member would have been entitled to if he or she had ceased to be a member on that date.

(1B) Where a person entitled to pension under sub-section (1) dies, his or her spouse shall be entitled to the same amount of pension as would have been payable to such person if he or she had not died.";

(c) to sub-section (3), the following *Explanation* shall be added, namely:—

"*Explanation.*—For the purposes of this sub-section, pension granted by the Government of India under the Freedom Fighters' Pension Scheme, 1972 or by the Government of Kerala under the Kerala Freedom Fighters' Pension Rules or by any other State Government under a scheme for payment of pension to freedom fighters shall not be deemed to be pension from the Government of India or, as the case may be, any State Government.".

3. *Insertion of new section* 2A.—After section 2 or of the principal Act, the following section shall be inserted, namely:—

"2A. *Medical facilities to Ex-members.*—Any person who has served as a member referred to in clause (i) or clause (ii) or clause (iii) of sub-section (1) of section 2 shall, subject to such rules as may be made by the Government in this behalf, be entitled to medical treatment and medical attendance and to all other benefits in connection therewith to the same extent as a member of the Kerala Legislative Assembly is entitled to under the Payment of Salaries and Allowances Act, 1951 (XIV of 1951).

Explanation.—For the removal of doubts, it is hereby clarified that no member of the family of a person to whom this section applies shall be entitled to any benefit under this section.".

STATEMENT OF OBJECTS AND REASONS

Under section 2 of the Kerala Payment of Pension to Members of Legislature Act, 1976, pension is payable only to persons who have been members of the Legislative Assemblies or Legislative Councils specified therein, for a period of five years after the 15th August, 1947. It is proposed to provide that persons who have been members for a period of two years shall be entitled to the pension. It is also considered that persons who had been members before the 15th August, 1947 should also be entitled to pension and that the minimum and maximum amount of pension should be changed as two hundred rupees and five hundred rupees, respectively, instead of the present limit of two hundred and fifty rupees and four hundred and fifty rupees.

2. It is considered necessary that the spouse of a sitting member or a person drawing pension under the Act should also be entitled to the pension after the death of such member or person.

3. It is proposed to exclude the freedom fighters' pension paid by the Central Government or any State Government from the scope of sub-section (3) of section 2 of the Act so that such pension shall also be payable along with the pension under the Act.

4. It is considered necessary to provide that an Ex-member shall be entitled to medical facilities to the same extent as a member of the Kerala Legislative Assembly is entitled to under the Payment of Salaries and Allowances Act, 1951.

5. The Bill seeks to achieve the above objects.

FINANCIAL MEMORANDUM

The Bill seeks to revise the minimum period of service for eligibility for pension and the maximum amount of pension to the Members of the Legislature. The Bill also seeks to extend the pension facilities to the spouses of the sitting members and the Ex-members on their death. The Bill also seeks to exclude freedom fighters' pension for purposes of calculating pension. The Bill further seeks to extend free medical facilities available to the sitting members to the Ex-members. It is not possible to estimate the financial commitment involved on this account.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Section 2A proposed to be inserted by clause 3 of the Bill provides that an Ex-member of any Legislative Assembly or Legislative Council mentioned in sub-section (1) of section 2 of the Act shall, subject to such rules as may be made in this behalf, be entitled to medical facilities to the same extent as a member of the Kerala Legislative Assembly is entitld to under the payment of Salaries and Allowances Act, 1951. The matters to be provided by rules under section 2A are only of an administrative nature and therefore the Delegation of Legislative power is of a normal character.

K. KARUNAKARAN.

Reg. No. KL/TV (N)/12

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SECRETARIAT OF THE KERALA LEGISLATURE

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The Payment of Salaries and Allowances (Amendment) Bill, 1982 together with the Statement of Objects and Reasons and the Financial Memorandum is published, under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

DR. R. PRASANNAN,
Secretary,
Legislative Assembly.

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33/3145/MC

THE PAYMENT OF SALARIES AND ALLOWANCES (AMENDMENT) BILL, 1982

A

BILL

further to amend the Payment of Salaries and Allowances Act, 1951.

Preamble.—WHEREAS it is expedient further to amend the Payment of Salaries and Allowances Act, 1951, for the purposes hereinafter appearing;

BE it enacted in the Thirty-third Year of the Republic of India as follows:-

1. *Short title and commencement.*—(1) This Act may be called the Payment of Salaries and Allowances (Amendment) Act, 1982.

(2) It shall come into force at once.

2. *Amendment of long title.*—In the long title to the Payment of Salaries and Allowances Act, 1951 (XIV of 1951) (hereinafter referred to as the principal Act), for the words "the Leader of the Opposition and members", the words "the Leader of the Opposition, the Chief Whip and members" shall be substituted.

3. *Amendment of preamble.*—In the preamble to the principal Act, for the words "and the Leader of the Opposition", the words "the Leader of the Opposition and the Chief Whip" shall be substituted.

4. *Amendment of section* 2.—In section 2 of the principal Act, after clause (f), the following clause shall be inserted, namely:—

"(g) "Chief Whip" means the Government Chief Whip in the Legislative Assembly.".

5. *Amendment of section* 3.—In section 3 of the Principal Act,—

(a) in the marginal note, for the words "and Leader of the Opposition", the words ",Leader of the Opposition and Chief Whip" shall be substituted;

(b) for the words "and the Leader of the Opposition", the words ",the Leader of the Opposition and the Chief Whip" shall be substituted.

6. *Amendment of section* 5.—In section 5 of the principal Act,—

(a) in the marginal note, for the words "and Leader of the Opposition", the words ",Leader of the Opposition and Chief Whip" shall be substituted;

(b) for the words "and the Leader of the Opposition", the words ",the Leader of the Opposition and the Chief Whip" shall be substituted;

(c) after the words "the Leader of the Opposition", the words "or the Chief Whip" shall be inserted.

7. *Amendment of section 5B.*—In section 5B of the principal Act,—

(a) in the marginal note, for the words "and Leader of the Opposition", the words ", Leader of the Opposition and Chief Whip" shall be substituted;

(b) for the words "and the Leader of the Opposition", the words ", the Leader of the Opposition and the Chief Whip" shall be substituted.

8. *Amendment of section* 6.—In section 6 of the principal Act,—

(a) in the marginal note, for the words "and Leader of the Opposition", the words ", Leader of the Opposition and Chief Whip" shall be substituted;

(b) in sub-section (1), for the words "and the Leader of the Opposition", the words ",the Leader of the Opposition and the Chief Whip" shall be substituted;

(c) in sub section (2),—

(i) for the words "and the Leader of the Opposition", the words ",the Leader of the Opposition and the Chief Whip" shall be substituted;

(ii) for the words "three hundred and fifty rupees", the words "eight hundred and fifty rupees" shall be substituted;

(d) in sub section (3), for the words "and the Leader of the Opposition", the words ",the Leader of the Opposition and the Chief Whip" shall be substituted.

9. *Amendment of section 6A.*—In section 6A of the principal Act,—

(a) in the marginal note, for the words "and Leader of the Opposition", the words ",Leader of the Opposition and Chief Whip" shall be substituted;

(b) for the words "and the Leader of the Opposition," the words ", the Leader of the Opposition and the Chief Whip" shall be substituted.

10. *Amendment of section* 7.—In section 7 of the principal Act,—

(a) in sub section (3),—

(i) in the marginal note, after the words "Leader of the Opposition", the words "and the Chief Whip" shall be inserted;

(ii) in the opening paragraph, for the words "Leader of the Opposition shall be entitled in respect of tours undertaken by him", the words "Leader of the Opposition and the Chief Whip shall be entitled in respect of tours undertaken by them" shall be substituted;

(iii) in the proviso, after the words "Leader of the Opposition", the words "or the Chief Whip" shall be inserted;

(b) in sub-section (4), for the words "and the Leader of the Opposition", the words ",the Leader of the Opposition and the Chief Whip" shall be substituted.

11. *Amendment of section* 8.—In section 8 of the principal Act,—

(a) in sub section (1),—

(i) the clause (b), after the proviso, the following proviso shall be inserted namely,—

"Provided further that the travelling allowance which a member is entitled to receive under this clause for journeys inside the State of Kerala shall not be less than one thousand rupees per mensem;";

(ii) clause (c) shall be omitted;

(b) in sub-section (4), after the words "the Leader of the Opposition", the words ",the Chief Whip" shall be inserted.

12. *Amendment of section 8A*.—In section 8A of the principal Act, in sub-sections (1) and (3), after the words "the Leader of the Opposition", the words ",the Chief Whip" shall be inserted.

13. *Amendment of section* 9.—In section 9 of the principal Act, in sub-section (1), after the words "the Leader of the Opposition", the words "the Chief Whip" shall be inserted.

14. *Amendment of section* 9A.—In section 9A of the principal Act, in sub-section (1),—

(a) after the words "the Leader of the Opposition", the words ",the Chief Whip" shall be inserted;

(b) for the words "two thousand and five hundred rupees", the words "five thousand rupees" shall be substituted.

15. *Amendment of Schedule.*—In the Schedule to the principal Act,—

(1) in paragraph I,—

(a) in the marginal note and in the opening portion, for the words "and the Leader of the Opposition", the words, ",the Leader of the opposition and the Chief Whip" shall be substituted;

(b) in clause (1),—

(i) in sub-clauses (a) and (b) , for the words "twenty-five rupees", the words "fifty rupees" shall be substituted;

(ii) in sub-clause (d), for the letters and figures "Rs. 62.50", the letters and figures "Rs. 125" shall be substituted;

(c) in clause (2), in sub-clause (b), for the words "thirty-five rupees", the words "eighty rupees" shall be substituted;

(2) in paragraph III,—

(a) in clause (1),—

(i) the proviso shall be omitted;

(ii) for the words "twenty-five rupees", the words "fifty rupees" shall be substituted;

(b) in clause (2), for the words "thirty-five rupees", the words "eighty rupees" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to amend the Payment of Salaries and Allowances Act, 1951, for the following purposes:—

(1) to extend the benefits available to the Leader of the Opposition under the Act to the Government Chief Whip in the Legislative Assembly;

(2) to enhance the consolidated sum payable to the Ministers, Speaker, etc., under sub-section (2) of section 6 of the Act from three hundred and fifty rupees per mensem to eight hundred and fifty rupees per mensem.

(3) to provide that a member of the Legislative Assembly other than the Ministers, the Speaker, the Deputy Speaker, the Leader of the Opposition and the Chief Whip shall be entitled to a minimum amount of one thousand rupees per mensem as travelling allowance and to omit the provision for

payment of fixed travelling allowance of one hundred and fifty rupees per mensem to a member whose usual place of residence is within a radius of eight kilometres from the Assembly Chamber;

(4) to enhance the value of rail travel coupons provided for a member under section 9A of the Act from two thousand and five hundred rupees per annum to five thousand rupees per annum.

(5) to enhance the daily allowance payable to the Ministers, the Speaker, the Deputy Speaker, the Leader of the Opposition, the Chief Whip and the other members of the Legislative Assembly to fifty rupees inside the State and eighty rupees outside the State, instead of the present rates of twenty-five rupees and thirty-five rupees respectively.

(6) to enhance the maximum amount of incidental expenses for air journeys payable to the Minister, the Speaker, the Deputy Speaker, the Leader of the Opposition and the Chief Whip from Rs. 62.50 to Rs. 125.

FINANCIAL MEMORANDUM

The Bill seeks to revise the rate of daily allowanee and incidental expenses for air journeys and allowance for cost of petrol etc., of Ministers, the Speaker ete., and also to fix monthly minimum travelling allowance for the members of the Legislative Assembly. The Bill also seeks to extend to the Government Chief Whip in the Legislative Assembly all the facilities available to the Leader of the Opposition under the Payment of Salaries and Allowancees Aet, 1951. It is not possible to estimate the financial commitment involved on this account.

K. KARUNAKARAN